

SECTION A. PURPOSE.

The following sample Program Vessel Policy is provided to assist Senior Field Managers and Responsible Persons in the development of relevant Program Vessel Policy by providing an example of a policy developed specifically to address the special issues and safety related needs of a particular NOAA activity.

SECTION B. RELEVANCE.

.01 General. The following Program Vessel Policy was written for, and applicable to, small boat operations conducted by Florida Keys National Marine Sanctuary. This sample is not intended to be used as a template for all NOAA activities. This sample is not a satisfactory template because it:

- a. contains references to NOAA Administrative Order 217-103 - Management of NOAA Small Boats , Effective 06/20/91, which has been superseded by this Order;
- b. provides guidance for NOAA interaction with Florida State Agencies and the Nature Conservancy, which will not be applicable to all NOAA activities; and,
- c. was developed by Florida Keys National Marine Sanctuary to address their specific operational policy needs.

02. Omissions. The sample policy has been edited to enhance clarity and relevance to NOAA activities. Specifically, appendices relating to Florida State Agency policy, Forms, and the NAO superceded by this Order have been deleted.

SECTION C. SAMPLE POLICY.

START OF SAMPLE PROGRAM VESSEL POLICY

VESSEL POLICY

Florida Keys National Marine Sanctuary
May 1996

I. PURPOSE

To establish a comprehensive and standardized policy for the safe operation of all Florida Keys National Marine Sanctuary (FKNMS) vessels, consistent with other guidance as referenced.

II. REFERENCES

All references are included as appendices to this policy as specified below.

- A. Example Forms [omitted]
- B. NOAA Administrative Order (NAO) 217-103: MANAGEMENT OF NOAA SMALL BOATS, dated June 20, 1991. (Appendix A). [omitted]
- C. Florida Department of Environmental protection (FDEP), Division of Marine Resources: BOATING SAFETY POLICY, dated January 1, 1993 (Appendix B). [omitted]
- D. FDEP, Division Law Enforcement General Order (GO) 12: OPERATION OF DIVISION EQUIPMENT, dated June 1, 1995 (Appendix C). [omitted]
- E. Florida Department of Natural Resources (FDNR), Directive 620: MOTOR VEHICLES AND WATERCRAFT ASSIGNMENT AND USE, dated August 17, 1992 (Appendix D). [omitted]
- F. FDNR, Directive 630: REPORTING ACCIDENTS INVOLVING STATE OWNED MOTOR VEHICLES/WATERCRAFT AND THE PROCUREMENT OF RELATED REPAIRS, dated April 1, 1992 (Appendix E). [omitted]
- G. Memorandum of Agreement Boat Lending, between the FKNMS and The Nature Conservancy (TNC), signed March 5, 1996 (Appendix F)

III. SCOPE/RESPONSIBILITY

This policy applies to all vessels managed and operated by the FKNMS, regardless of actual ownership, except where otherwise noted in specific sections (ie. State of Florida or NOAA).

A. Vessel Committee

A Vessel Committee shall be maintained within the FKNMS to address vessel issues and to recommend changes in this policy, as appropriate, to the Superintendent. The Chair of the Committee is designated by the Superintendent to facilitate and coordinate committee activities. The Committee shall otherwise include: The Regional Manager from both the Upper and Lower Keys Regions; the Operations Coordinator (or equivalent) from both the Upper and Lower Keys Regions; the FMP Sanctuary Lieutenant; the Volunteer Coordinator and the TEAM OCEAN Coordinator. Other employees interested in participating on the Vessel Committee should contact the Committee Chair or their Regional Manager.

The Chair of the Vessel Committee is responsible for scheduling meetings and acting as the primary initial contact for sanctuary-wide issues related to vessels. At a minimum, the Vessel Committee should meet at least twice a year, preferably in the Fall and Spring, to discuss the status of vessel operations, issues and policy. Significant proposed changes to the FKNMS Vessel Policy shall initially be discussed and considered by the committee, and recommendations forwarded to the Superintendent for Approval. The Chair of the Committee is responsible for ensuring that any approved changes/additions to this policy are distributed to each office as indicated by the distribution listed at the end of this policy

B. Regional Managers

The Regional Managers for the upper and lower regions of the FKNMS have overall responsibility for ensuring that the requirements contained in this policy are applied, as appropriate, to all FKNMS-managed vessels and vessel operators. The Lower Keys Regional Manager has primary responsibility for the operation and maintenance of vessels located at the FKNMS Headquarters office in Marathon

C. Operations Coordinators

The Operations Coordinator (or designated equivalent) for each regional office is responsible for the day-to-day operation of vessels and for implementing all requirements in accordance with this policy. General responsibilities include: vessel scheduling; safety; equipment & supplies; scheduling/overseeing maintenance & repairs; vessel records; operator qualification standards; and ensuring operator compliance with Vessel Policy requirements. Any conflicts or other problems confronted by the Operations Coordinator arising from the

daily operation or maintenance of sanctuary vessels should be addressed with the Regional Manager as soon as possible.

D. Vessel Operators

Operators of sanctuary vessels are responsible for compliance with all requirements for vessel operators as contained in relevant sections of this policy. Prior to receiving qualification as Vessel Operator, an individual must demonstrate to the Operations Coordinator a thorough knowledge of all requirements and Operators in accordance with this policy.

IV. USE OF FKNMS VESSELS

A. General

In general, the use of sanctuary vessels for support of operations other than those associated with internal FKNMS programs is limited to projects, which provide direct benefit to the mission and goals of the FKNMS program. When considering requests for vessel support, the following criteria should be included in evaluating and making a determination of the request.

1. Relevance and benefit to FKNMS programs and goals.
2. Project feasibility based on vessel availability and capability.
3. Availability and level of staff support required.
4. Potential loss of work time on priority tasks already assigned.
5. Potential conflicts with existing policies related to the nature of the operation, including diving policies.
6. Potential costs to the FKNMS, including anticipated vessel maintenance and repair costs associated with the project.

B. Diving From Sanctuary Vessels

All diving from FKNMS vessels must comply with NOAA diving regulations and must be coordinated, as necessary, with the Unit Diving Coordinator. Operators using FKNMS vessels under an official Vessel Loan Agreement are exempt from this requirement (see Appendix G for current loan agreements in place).

C. Off-Hours Use of Sanctuary Vessels

Use of sanctuary vessels by qualified FKNMS staff during non-duty time may be authorized by the Regional Manager for the purpose of maintaining proficiency or other similar activities. The following

special conditions apply to all users of sanctuary vessels during non-duty hours:

1. Operator must be fully qualified as specified in section V.C of this policy.
2. Vessel use must be scheduled in advance.
3. The operator must fuel the vessel after use, and must pay for fuel used (unless on official duty).
4. No harvesting of seafood or collection of marine life is allowed (except for official purposes).
5. Vessel must be properly cleaned and otherwise secured as required in section V of this policy.
6. All other requirements covered in this policy will be followed.

D. Use of Law Enforcement Vessels

In general, use of Law Enforcement (LE) vessels by anyone other than FMP Officers is prohibited. However, under special circumstances such as a grounding, emergency or other critical situations, LE vessels may be used for response if other vessels are not available. The Regional Manager can only authorize such use. The FMP Sanctuary Lieutenant must be notified as soon as possible. When LE Vessels are operated by non-LE personnel, the following special conditions must be followed:

1. The blue light must be covered.
2. Use of 800 mhz radios is prohibited.
3. Vessel must be returned in a clean condition and must be fully fueled.
4. All other requirements for Vessel Operators must be otherwise followed.

V. OPERATION OF VESSELS

A. General Requirements

Consumption of alcoholic beverages is prohibited aboard FKNMS vessels.

Only qualified operators are authorized to operate FKNMS vessels. Qualification standards are defined in section V.C below. In accordance with FDNR 620 (Appendix E), state-owned vessels shall be used only for official business and shall be operated only by governmental employees, sworn law enforcement personnel or official state volunteers. The Vessel Operator is fully responsible for the safe operation of the vessel and for complying with all operator requirements contained within this policy.

In accordance with section 5 of NAO 217-103 (Appendix B), a float plan is required whenever a sanctuary vessel is in use. The Vessel Operator is responsible for filing a float plan with the Operations Coordinator or available office personnel prior to departure. On weekends or other times when no office personnel are available to accept the float plan, the Vessel Operator should leave it in the office at a designated location. A Sanctuary Patrol Officers are exempt from this requirement during routine patrols or when conducting other law enforcement activities under direction of FMP dispatch.

Whenever sanctuary vessels are conducting operations away from home base for more than one day, the Vessel Operator is required to report the vessel's position and status to the home office or previously designated contact at least once daily.

Prior to departure, the Vessel Operator is responsible for completing a Vessel checklist to ensure that safety equipment and vessel systems are operable and in good condition. A copy of the prescribed checklists is included in Appendix A. Any discrepancies should be reported by submitting a Vessel Work Order to the Operations Coordinator.

Prior to departure, the Vessel Operator is required to give a safety briefing to passengers to review the location and operation of safety equipment and procedures.

When returning any vessel, the Vessel Operator is responsible for the following:

1. Fueling the vessel.
2. Checking and adding oil, if necessary.
3. Turning off and/or securing all vessel electronics and equipment, including battery switches as necessary for the vessel.
4. CLEANING THE VESSEL to include at a minimum: removing all trash; washing/rinsing with fresh water.
5. Reporting any equipment problems to the Operations Coordinator or designated maintenance personnel at the regional office. A work-order form should be used whenever possible to report such problems.
6. Recording prescribed entries in the Vessel Log.

B. Emergency Procedures

In the case of any emergency encountered while operating a sanctuary vessel, immediately contact the U.S. Coast Guard or FMP on VHF channel

16 and follow instructions accordingly. The operator should notify the regional manager of the incident as soon as possible after emergency response is completed.

C. Vessel Operator Qualification Requirements

The qualification standards prescribed are in accordance with section 4 of NAO 217-103 (Appendix B) and FDEP Boating Safety Policy (Appendix C). As allowable within these references, personnel (employees or otherwise) who have already been considered qualified as FKNMS Vessel Operators as of the effective date of this policy are grandfathered, and will continue to be considered qualified to operate specific sanctuary vessels as already established. A copy of appropriate licenses or certifications must be submitted to and kept on file with the Operations Coordinator, or designated person at each regional office.

Class III Motorboats (40 feet and over) Operators must possess a current USCG Captain's license. Commissioned or Warrant officers of the Uniformed Services who have qualified as Officer of the Deck (Underway) and who have exercised this qualification within the past five years are also considered qualified to operate class III vessels.

Class A, I and II Motorboats (under 40 feet) Operators must have completed a Basic Seamanship, Boating Safety or equivalent course through the US Coast Guard Auxiliary or US Power Squadron. FMP Officers having completed Basic Officer Training are also fully qualified to operate these classes of vessels.

In addition to these qualification standards qualified Vessel Operators must receive a familiarization checkout by the Operations Coordinator for each specific vessel to be used.

VI. CLASSIFICATION, EQUIPMENT & INSPECTION STANDARD

A. Classification

Sanctuary vessels are classified by size (Class A & Class I III) according to U.S. Coast Guard (USCG) motorboat classification standards as defined in section 3 of NAO 217-103 (Appendix B).

B. Equipment Requirements

In accordance with NAO 217-103 (Appendix B) and FDEP Boating Safety Policy (Appendix C), required operating and safety equipment for all

sanctuary vessels would follow USCG standards for motorboat. A table of required equipment could be found at the end of Appendix A. The Operations Coordinator for each region is responsible for maintaining current USCG equipment requirements.

In addition to these minimum standards, the following equipment is also required according to vessel purpose or use.

1. All Sanctuary Vessels All sanctuary vessels must be equipped with a Marine VHF radio. Class II and III vessels shall be equipped with radios as required in section 4.03 of NAO 217-103 (Appendix B). A console-mounted or hand-held VHF radio must also be carried aboard all class A and Class I vessels. In addition, all sanctuary vessels are to be equipped with a boarding ladder or equivalent capability, as appropriate for the size and configuration of the vessel, to allow for safe boarding from the water.

2. Patrol Vessels All vessels dedicated for law enforcement shall be equipped in accordance with section III.C.3 of FDEP, Division of Law Enforcement GO 12 (Appendix D, p. 7). In addition, all patrol vessels are required to carry oxygen kits when conducting patrol activities.

3. Vessels Used for Diving Whenever a vessel is being used for diving operations, an oxygen kit must be carried aboard.

4. Vessels Operating at Night All vessels operated after dusk must carry a spotlight.

In addition to the required equipment prescribed above, it is recommended that, to the extent possible within budget or operational constraints, a Depth Sounder and GPS (or LORAN) unit be installed, or carried, on sanctuary vessels.

C. Inspections

In accordance with section 4.C.2 of NAO 217-103 (Appendix B), NOAA motorboats are required to be inspected annually. FMP law-enforcement officers or the USCG Auxiliary in their Courtesy Motorboat Examination Program may conduct these inspections. The Operations Coordinator for each region is responsible for ensuring that annual inspections are completed as required. Arrangements for inspections should be made with the local USCG Auxiliary office.

DISTRIBUTION

FKNMS Marathon (3), Upper Region (3) and Lower Region (3)
 Damage Assessment & Restoration (Hudson)
SRD - Lindelof, Wahle
FDEP Hartman, Riley
FMP Long, Currul

APPENDIX A - Omitted.

APPENDIX B - Omitted.

APPENDIX C - Omitted.

APPENDIX D - Omitted.

APPENDIX E - Omitted.

APPENDIX F - Omitted.

APPENDIX G

MEMORANDUM OF AGREEMENT BOAT LENDING

BETWEEN

THE FLORIDA KEYS NATIONAL MARINE SANCTUARY

AND

THE NATURE CONSERVANCY

PURPOSE:

This boat lending agreement will allow the Florida Keys National Marine Sanctuary (FKNMS) to loan its vessels to The Nature Conservancy, a non-profit organization (the Loanee) on a daily basis for collaborative research-related and education work that supports management of FKNMS. A current general Memorandum of Agreement (MOA) must be on file between FKNMS and the Loanee that shows a commitment from both parties to work together in fulfilling the mission of FKNMS (in addition to this boat lending agreement).

This boat lending agreement shall be in force unless either party gives five (5) days notice in writing to the other.

The FKNMS agrees:

1. To make available designated vessel (s), by reservation, in sound working condition to the Loanee for its use on a daily basis, as determined by the Sanctuary Superintendent or designee. FKNMS shall provide moorage/storage and all necessary maintenance and repair to maintain the vessel (s) in sound working condition
2. The Sanctuary Superintendent or designee will verify the boating skills of each operator of the vessel by accompanying him/her on a check-out prior to the initial use of the vessel by such operator(s)
3. To keep a reservation log at each FKNMS office in order for the organization to reserve the vessel (s).
4. To keep vessels fueled or provide a credit card.
5. FKNMS reserves the right to cancel or recall the vessel (s), if emergency conditions warrant or if weather conditions worsen.
6. FKNMS shall comply with all laws, ordinances, codes rules, regulations and licensing requirements that are applicable to its ownership of the vessel(s), including those of Federal, State and local agencies having jurisdiction and/or authority.

The Loanee agrees:

1. To return the vessel(s) in substantially the same condition as received from FKNMS, fair wear and tear accepted, and except for any mechanical problems beyond the control of the Loanee. In the event a mechanical problem occurs or any damage results from operation of the vessel (s), the Loanee shall promptly notify the Sanctuary Superintendent or designee and take such corrective action in accordance with instructions given by the Sanctuary Superintendent or designee as may be necessary under the circumstances.
2. All boat operators must be certified, at a minimum, by the Coast Guard Auxiliary or Power Squadron, through their safe boating classes. Operating FKNMS vessels over 40 requires United States Coast Guard Captain s Licenses. Copies of these certifications must be on file with FKNMS.
3. All boat operators must agree to demonstrate their skills to the Sanctuary Superintendent or designee prior to initially operating a loaned vessel pursuant to this boat lending agreement.

4. The vessel operator or his/her designee shall complete and file a float plan with the Sanctuary Superintendent or designee.

5. To provide proof of coverage under a policy of comprehensive general liability insurance hull insurance, protection and liability insurance and to indemnify and hold the United States harmless against any claim arising from the negligent use of the vessel (s) by Loanee. In order for Loanee to comply with the terms of this paragraph, FKNMS acknowledges that it must provide a list of the boats (including identification numbers and the length of the boats) used in the performance of this contract and Loanee sliability for those boats is contingent upon receiving the list.

FKNMS

LOANEE

THE FLORIDA KEYS NATIONAL
MARINE SANCTUARY

THE NATURE CONSERVANCY,
A non-profit organization

END OF SAMPLE PROGRAM VESSEL POLICY
